

REMARKS

Reconsideration is requested for claims 1-16 and 18-25.

Claim 1 was objected to on formal grounds. The amendment to claim 1 is submitted to address the grounds for objection and withdrawal of the objection is cordially urged.

Claims 1-8¹, 15, and 25 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,274,980 to *Zeigler* (*Zeigler* '980). Claims 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Zeigler* '980 in view of U.S. Patent Application Publication No. 2002/0189659 to *Carter*. Claims 16-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Zeigler* '980 in view of U.S. Patent No. 6,141,934 to *Zeigler*.

The rejection of independent claim 1 on prior art grounds is improper because the structure disclosed in *Zeigler* '980 is different from the structure claimed in claim 1. Claim 1 recites, *inter alia*, that the lower strut connection point at which the second end of the second strut lower portion is connected to the first strut is between the upper strut connection point and the first end of the first strut and the scissor assembly is movable between a folded position and an expanded position, wherein, when the scissor assembly is in the folded position, the first end of the first strut and the second end of the second strut upper portion are substantially adjacent and the second end of the first strut and the first end of the second strut lower portion are substantially adjacent.

As seen in FIG. 3A of *Zeigler* '980, the lower strut 224 is connected to the strut 232 at an connected end (by pivot point 238 to the right of the figure) between the upper strut 230 connection point and what shall, for purposes of this discussion, be referred to as the first end (by hub 240) of the strut 232. When the scissor assembly is in a folded condition (FIG. 3C), the first

¹ And apparently also claims 9 and 10.

end of the strut 232 and the second end of the lower strut 224, which is fixed to the leg 220 by pivot point 238 to the left of the figure, are not substantially adjacent. FIGS. 2A and 2B of the present application show an aspect of the present invention illustrating an aspect of the subject matter claimed in claim 1.

In view of the differences between claim 1 and *Zeigler* '980 it is respectfully submitted that claim 1 and the claims dependent therefrom, claims 2-15, are not anticipated by and define patentably over *Zeigler* '980.

Claim 25 has been amended to recite that, for both the left and the front split scissor assembly, the split scissor assembly is movable between a split scissor folded position and a split scissor expanded position, wherein, when the split scissor assembly is in the split scissor folded position, the first end of the first strut and the second end of the second strut upper portion are substantially adjacent and the second end of the first strut and the first end of the second strut lower portion are substantially adjacent. *Zeigler* '980 does not disclose or suggest an embodiment wherein structure corresponding to a first end of a first strut and a second end of a second strut upper portion are substantially adjacent and a second end of the first strut and a first end of a second strut lower portion are substantially adjacent.

In view of the differences between claim 25 and *Zeigler* '980 it is respectfully submitted that claim 25 is not anticipated by and defines patentably over *Zeigler* '980.

Carter is cited in combination with *Zeigler* '980 in rejecting claims 11-14 as disclosing, *inter alia*, a first end of a second strut lower portion (apparently referring to strut 60) pivotably and slidably connected 32 to a leg 24. It is asserted that it would have been obvious to modify *Zeigler* '980 in view of *Carter* in order to allow the tent to be opened to different sizes, while maintaining a rigid structure. Even if one were to modify *Zeigler* '980 in view of *Carter*, it

would not cure the defects of *Zeigler* '980 with respect to claim 1, from which claims 11-14 depend, as discussed above. Accordingly, for at least this reason, it is respectfully submitted that claims 11-14 define patentably over *Zeigler* '980 in view of *Carter* and withdrawal of the rejection is cordially urged.

With respect to the rejection of claims 16-24 as being unpatentable over *Zeigler* '980 in view of *Zeigler* '934, independent claim 16, from which claims 18-20 depend, has been amended to incorporate the subject matter of dependent claim 17, and now recites that, for both the left and the right split scissor assembly, the split scissor assembly is movable between a split scissor folded position and a split scissor expanded position, wherein, when the split scissor assembly is in the split scissor folded position, the first end of the first strut and the second end of the second strut upper portion are substantially adjacent and the second end of the first strut and the first end of the second strut lower portion are substantially adjacent.

Zeigler '980 and *Zeigler* '934, whether considered individually or in combination, do not disclose structure that cooperates in the claimed manner. *Zeigler* '980 does not disclose or suggest an embodiment wherein structure corresponding to a first end of a first strut and a second end of a second strut upper portion are substantially adjacent and a second end of the first strut and a first end of a second strut lower portion are substantially adjacent. *Zeigler* '934 does not cure this defect of *Zeigler* '980. Accordingly, for at least this reason, it is respectfully submitted that claim 16 and the claims dependent therefrom define patentably over *Zeigler* '980 in view of *Zeigler* '934.

Independent claim 21, from which claims 22-24 depend, as amended, recites that, for both the left and the right split scissor assembly, the split scissor assembly is movable between a split scissor folded position and a split scissor expanded position, wherein, when the split scissor

assembly is in the split scissor folded position, the first end of the first strut and the second end of the second strut upper portion are substantially adjacent and the second end of the first strut and the first end of the second strut lower portion are substantially adjacent.

Again, *Zeigler* '980 and *Zeigler* '934, whether considered individually or in combination, do not disclose structure that cooperates in the claimed manner. *Zeigler* '980 does not disclose or suggest an embodiment wherein structure corresponding to a first end of a first strut and a second end of a second strut upper portion are substantially adjacent and a second end of the first strut and a first end of a second strut lower portion are substantially adjacent. *Zeigler* '934 does not cure this defect of *Zeigler* '980. Accordingly, for at least this reason, it is respectfully submitted that claim 21 and the claims dependent therefrom define patentably over *Zeigler* '980 in view of *Zeigler* '934.

It is respectfully submitted that all of the pending claims define patentably over the cited references. Allowance is cordially urged.

To the extent that the applicant does not respond to a particular comment in the Official Action, the applicant does not intend by this to indicate acquiescence in or agreement with the comment. To the extent that any extensions of time are necessary in connection with this application it is requested that there be a standing petition for extension of time and that any additional fees that are required, or refunds due, in connection with this or any other paper filed in connection with this application be charged to Deposit Account 503015.

Patent
Application No. 10/779,641
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If the Examiner is of the opinion that a telephone conference would be helpful in resolving any outstanding issues, the Examiner is urged to contact the undersigned.

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Respectfully submitted,
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